REMARKS

The August 8, 2008 Final Office Action was based upon pending Claims 1, 2, 5-11, 13-15 and 17-26. This response amends Claims 1, 9, 10 and 17. Thus, after entry of this response, Claims 1, 2, 5-11, 13-15 and 17-19 are pending and presented for further consideration.

ISSUES RAISED IN THE OFFICE ACTION

The Office Action rejected Claims 1, 2, 5-11, 13-15 and 17-20 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 5-11 and 13-20 of U.S. Patent No. 6,727,920 in view of U.S. Patent No. 5,134,580 to Bertram (hereinafter "Bertram"), and in view of U.S. Patent No. 5,671,366 to Niwa, et al. (hereinafter "Niwa").

In addition, the Office Action rejected Claims 21-26 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 9-11, 16, 17 and 20 of U.S. Patent No. 6,727,920 in view of the Admitted Prior Art and Niwa.

The Office Action also rejected Claims 1, 5, 9 and 20 under 35 U.S.C. §103(a) as being unpatentable over Bertram and Niwa.

Furthermore, the Office Action rejected Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa and U.S. Patent No. 6,031,527 to Shoji, et al. (hereinafter "Shoji").

In addition, the Office Action rejected Claims 6, 7, 13, and 14 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa and U.S. Patent No. 5,966,540 to Lister, et al. (hereinafter "Lister").

The Office Action also rejected Claims 8 and 15 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa and U.S. Patent No. 5,887,163 to Nguyen (hereinafter "Nguyen").

The Office Action additionally rejected Claim 17 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, and U.S. Patent No. 6,202,206 to Dean (hereinafter "Dean").

Further, the Office Action rejected Claim 18 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, Dean and U.S. Patent No. 5,684,952 to Stein (hereinafter "Stein").

In addition, the Office Action rejected Claim 19 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, Dean and U.S. Patent No. 6,076,734 to Dougherty (hereinafter "Dougherty").

The Office Action also rejected Claims 2, 10 and 21-26 under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, and the Admitted Prior Art.

REJECTION OF CLAIMS 1, 2, 5-11, 13-15 AND 17-26

The Office Action rejected Claims 1, 2, 5-11, 13-15 and 17-26 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 5-11 and 13-20 of U.S. Patent No. 6,727,920, in view of Bertram and Niwa.

In response, Applicant hereby submits a terminal disclaimer.

REJECTION OF CLAIMS 21-26

The Office Action rejected Claims 1, 2, 5-11, 13-15 and 17-26 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-2, 5-11 and 13-20 of U.S. Patent No. 6,727,920, in view of Bertram and Niwa.

Applicant has canceled Claims 21-26 and thus, this rejection is now moot.

REJECTION OF CLAIMS 1, 5, 9 AND 20 UNDER 35 U.S.C. §103(a)

The Office Action also rejected Claims 1, 5, 9 and 20 under 35 U.S.C. §103(a) as being unpatentable over Bertram and Niwa.

Claim 1

Neither Bertram, nor Niwa, appear to teach the elements of amended Claim 1. In particular, neither Bertram, nor Niwa teach the concept of:

1) determining what alternative operating systems are available for subsequent boot processes;

2) one or more settings that define a time out period that occurs during the next boot sequence of the selected alternative operating system, if the alternative operating system differs from a previously selected operating system;

3) automatically closing any open applications in response to the selection of an alterative operating system for the next boot sequence; and

4) if during the next boot process, the time out period expires without the selection of a different operating system, the program code boots the selected alternative operating system.

1) Determining Alternative Operating Systems for Subsequent Boot Processes

Bertram does not appear to determine which alternative operating systems are available. Rather, Bertram allows a user to specify the use of an alternative operating system stored on a diskette or hard drive rather than using the operating system stored in ROM. In Bertram, the user needs to know whether an alternative operating system is available or not – the system does not appear to provide the user with the alternative operating systems that are available.

In contrast, the system of Claim 1 determines what alternative operating systems are available for subsequent boot processes so that a control mechanism can provide for the selecting of the alternative operating systems.

Furthermore, while Niwa displays different operating system options, Niwa does not determine the alternative operating systems that can be used in a subsequent boot process. That is, while Niwa allows a user to select different operating systems, Niwa does not appear to store such selections for future use. Thus, if the user desires a

different operating system, the user in Niwa needs to reselect a different operating system from the default system every time the user connects to a docking station.

Thus, when Bertram and Niwa are combined, neither teach the concept of determining which alternative operating systems are available for subsequent booting processes.

2) Changing a time out period if the alternative operating system differs from a previously selected operating system

Neither Bertram nor Niwa, or any of the other cited references, teach the concept of changing the length of a time out period if the selected alternative operating system differs from a previously selected operating system.

With respect to other pending claims, the Examiner states that the Admitted Prior Art describes the concept of selecting at start up an operating system of choice. In particular, the Examiner refers to Column 1, lines 10-23. This language, however, describes the concept of having a constant window of time during every boot process.

Claim 1, in contrast, changes a different time out period if an alternative operating system selected for the next boot process. The Admitted Prior Art, in contrast, fails to teach the concept of changing a time out period in the boot sequence, when a different operating system is selected. Thus, none of the cited references teach this concept.

3) Automatically closing any open applications in response to the selection of an alterative operating system for the next boot sequence

Neither Bertram, nor Niwa, or any of the other cited references, teach the concept of automatically closing open applications in response to the selection of an alternative operating system for the next boot sequence. Bertram doesn't appear to automatically close any open applications when a user selects a new operating system.

Furthermore, in Niwa, no applications are running at the time a user selects an operating system. Thus Niwa does not teach the concept of closing open programs upon the selection of an alternative operating system.

Claim 1, in contrast, automatically closes any open applications in response to the selection of an alterative operating system for the next boot sequence.

4) If during the next boot process, the time out period expires without the selection of a different operating system, the program code boots the selected alternative operating system

Neither Bertram nor Niwa, or any of the other cited references, teach the concept of booting the alternative operating system if during the next boot process, the time out period expires without the selection of a different operating system.

As stated above, Bertram doesn't have a time out period. Furthermore, Niwa does not appear to have a time out period. Finally, the Admitted Prior Art describes the concept of using a default operating system rather than an alternative operating system after expiration of a window of time.

Claim 1, in contrast, boots the selected alternative operating system if the time out period expires. Thus, none of the cited references teach this concept.

Given the significant differences between amended Claim 1 and the cited references, Applicant respectfully requests allowance of Claim 1.

Claim 5

Claims 5, which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 9

None of the cited references teach the elements of Claim 9. In particular, none of the cited references teach a method of launching an operating system of choice, comprising:

determining alternative operating systems that are available for a subsequent boot process and on which disk partition each alternative operating system is stored;

displaying a graphical user interface on a display, said display listing a plurality of the alternative operating systems for the next boot process;

providing a selection mechanism for selecting an alternative operating system of choice;selecting an alternative operating system of choice via said selection mechanism;

in the event the selected alternative operating system differs from a previously selected operating system, changing a time out period that occurs during the boot sequence of the selected alternative operating system;

setting the selected alternative operating system as the default operating system for a load utility installed on an electronic device;

automatically closing any open applications when the selected alternative operating system differs from a previously selected operating system;

inducing a restart of the electronic device when the selected alternative operating system differs from a previously selected operating system; and

automatically booting the selective alternative operating system, if the time out period expires during without the selection of a different operating system.

Although Claim 9 has different language than Claim 1, Claim 9 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein. Thus, given the significant differences between amended Claim 9 and the cited references, Applicant respectfully requests allowance of Claim 9.

Claim 20

Applicant has canceled Claim 20 and thus, this rejection is now moot.

REJECTION OF CLAIM 11 UNDER 35 U.S.C. §103(a)

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa and Shoji, et al., U.S. Patent No. 6,031,527.

Claim 11, which depends from Claim 9, is believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

REJECTION OF CLAIMS 6, 7, 13, AND 14 UNDER 35 U.S.C. §103(a)

Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa and Lister.

Claims 6 and 7

Claims 6 and 7, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claims 13 and 14

Claims 13 and 14, which depend from Claim 9, are believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

REJECTION OF CLAIMS 8 AND 15 UNDER 35 U.S.C. §103(a)

Claims 8 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, and Nguyen.

Claim 8

Claim 8, which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 15

Claim 15, which depends from Claim 9, is believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

REJECTION OF CLAIM 17 UNDER 35 U.S.C. §103(a)

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, and Dean.

None of the cited references teach the elements of Claim 17. In particular, none of the cited references teach a graphical user interface for an electronic device displayed by a boot selection program for selecting an operating system, said graphical user interface comprising:

> a first display region of a graphical user interface listing a plurality of available operating systems stored on a user rewriteable storage media of the electronic device wherein the listing of the plurality of alternative operating systems for subsequent boot processes is determined by surveying where each alternative operating system is stored; and
>
> a second display region of the graphical user interface including a user activatible control to select one of the alternative operating systems, wherein a time out period is changed if the selected alternative operating system differs from a previously selected operating system, wherein open applications are automatically closed and the selected alternative operating system is automatically loaded by the electronic device when the selected alternative operating system differs from a previously selected operating system, and wherein the selected alternative operating system is automatically loaded during the boot process when the time out period expires without the selection of a different operating system.

Although Claim 17 has different language than Claim 1, Claim 17 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Thus, given the significant differences between amended Claim 17 and the cited references, Applicant respectfully requests allowance of Claim 17.

REJECTION OF CLAIM 18 UNDER 35 U.S.C. §103(a)

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, Dean and Stein.

Claim 18, which depends from Claim 17, is believed to be patentable for the same reasons articulated above with respect to Claim 17, and because of the additional features recited therein.

REJECTION OF CLAIM 19 UNDER 35 U.S.C. §103(a)

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, Dean and Dougherty.

Claim 19, which depends from Claim 17, is believed to be patentable for the same reasons articulated above with respect to Claim 17, and because of the additional features recited therein.

REJECTION OF CLAIMS 2, 10 AND 21-26 UNDER 35 U.S.C. §103(a)

Claims 2, 10 and 21-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bertram, Niwa, and the Admitted Prior Art.

Claim 2

Claim 2, which depends from Claim 1, is believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

Claim 10

Claim 10, which depends from Claim 9, is believed to be patentable for the same reasons articulated above with respect to Claim 9, and because of the additional features recited therein.

Claims 21-26

Applicant has canceled Claims 21-26 and thus, this rejection is now moot.

RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART

The claims of the present application are different and possibly broader in scope than any pending claims in any related application or issued claims in any related patent. In particular, in one or more parent applications, including U.S. Patent Application No. 09/266,325, filed March 11, 1999, now U.S. Patent No. 6,727,920, issued April 27, 2004.

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the above-listed references, or other listed or referenced art may need to be re-visited.

In addition, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 10-03-08

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